

Takanori FUJII, S.N. 10/829,619
Page 14

Dkt. 2271/72198

REMARKS

The application has been reviewed in light of the Office Action dated May 12, 2008. Claims 1-11 are pending. By this Amendment, claims 1-8, 10 and 11 have been amended to clarify the claimed subject matter. Accordingly, claims 1-11 are presented for reconsideration, with claims 1, 4 and 7 being in independent form.

Claims 1-11 were rejected under 35 U.S.C. § 103(a) as purportedly unpatentable over Kawabata (US 2004/0057568 A1) in view of U.S. Patent No. 7,142,320 to Tanimoto.

Applicant has carefully considered the Examiner's comments and the cited art, and respectfully submits that independent claims 1, 4 and 7 are patentable over the cited art, at least for the reason that the cited art does not disclose or suggest *controlling the destination information memory to store the transmission mode information indicating the transmission mode used for the facsimile transmission to the selected transmission destination as a transmission enabling mode of the selected transmission destination*, if the delivery confirmation mail or other mail received from the selected transmission destination does not include the reception capacity information but confirms that the facsimile transmission to the selected transmission destination has been properly completed.

In an aspect of the present application, when a facsimile apparatus faxes data together with a delivery confirmation request to a destination via a specific transmission mode, a controller of the facsimile apparatus instructs a transmission mode memory of the facsimile apparatus to store information indicating the specific transmission mode used in the transmission. After that, 1) if a response or delivery confirmation mail received from the destination replying to the delivery confirmation request includes reception capacity information for the destination, the controller of the facsimile apparatus stores the returned reception capacity

Takanori FUJII, S.N. 10/829,619
Page 15

Dkt. 2271/72198

information in the destination information memory (if old or default reception capacity information is already stored in the destination information memory, the controller updates the old reception capacity information with the returned reception capacity information), and on the other hand, 2) if the response includes no reception capacity information but it is determined that the transmission has been satisfactorily carried out in the current transmission mode, the controller causes the destination information memory to store or maintain the current transmission mode or reception capacity information corresponding to the current transmission mode. With such aspect of the present application, even if the destination does not have a function of returning reception capacity information (or even if the destination does have such function but the response from the destination does not include such information), the source facsimile apparatus can automatically set (that is, without manual setting of the user) a transmission mode to be used for future transmission to the destination, if the transmission under the current transmission mode has been determined to be successful.

Kawabata, as understood by Applicant, proposes a communications terminal unit (10) which determines whether to originate a call over an IP network or over a public switched telephone network, in accordance with call destination specification information input at the time of origination of a call. As proposed by Kawabata, [0045] through [0050], the communications terminal unit analyzes a destination number which is assigned to the destination terminal and input at the time of origination of a call as well as selected network setting information stored in a selected network setting storage section.

The approach proposed by Kawabata, as acknowledged in the Office Action, does not include, however, (1) *a delivery confirmation request* accompanying the facsimile transmission, (2) controlling a destination information memory to store reception capacity information that is

Takanori FUJII, S.N. 10/829,619
Page 16

Dkt. 2271/72198

contained in *a delivery confirmation mail* from the selected transmission destination, and (3) *controlling the destination information memory to store the transmission mode information indicating the transmission mode used for the facsimile transmission to the selected transmission destination as a transmission enabling mode of the selected transmission destination*, if the delivery confirmation mail or other mail received from the selected transmission destination does not include the reception capacity information but confirms that the facsimile transmission to the selected transmission destination has been properly completed.

Tanimoto, as understood by Applicant, proposes an Internet facsimile machine configured with a communication management function that includes storing a data table of receiving ability information of a plurality of destination machines associated with respective destinations. The Internet facsimile machine is configured to communicate in any of plural communication modes (see Fig. 3 of Tanimoto), including a "communication mode 2" in which an electronic mail message is transmitted to a destination along with a request for a delivery confirmation mail from the destination.

Tanimoto, column 1, lines 17-26, column 6, lines 15-28, and column 9, line 54 through column 10, line 7, which was cited in the Office Action, is reproduced below:

According to the general Internet facsimile communication, since the format of the image data to be transmitted and received reciprocally by the Internet facsimile machines is standardized (for example, standardized into the image data wherein recording paper size is A4, encoding method is MH (Modified Huffman) method, resolution is 200 dpi), even in the case the Internet facsimile machine of a transmitting side is not aware of a receiving ability information of the Internet facsimile machine of the receiving side, the transmission and reception can be carried out without problem.

...
In the "receiving ability" column, for example, the information concerning a resolution that can be received and processed by the destination machine is written after "dpi=", the information concerning the encoding method of the destination machine is written after "image-coding=", and the information concerning the printable recording paper size of the destination machine is written after "paper-

Takanori FUJII, S.N. 10/829,619
Page 17

Dkt. 2271/72198

size=".

Next, a communication mode to be adapted by the Internet facsimile machine of the transmitting side 1A will be described. As shown in FIG. 3, the Internet facsimile machine 1A adapts to five types of communication modes, from "communication mode 1" through "communication mode 5".

...On the other hand, in the case it is determined in S2 that the receiving ability information of the destination machine is not stored, a communication mode selecting screen 27b as shown in FIG. 14(b) is displayed on the display 10b, for displaying that the receiving ability information of the designated destination machine is not registered and for selecting the communication mode, or the screen information is transmitted to the client PC 24 (S4).

Next, when the communication mode is selected by the operator from the displayed communication mode selecting screen 27a in S3 or from the displayed communication mode selecting screen 27b in S4, in the case the selected communication mode is the "communication mode 1" (S5), the Internet facsimile machine of the transmitting side 1A forms the standard format image data from the original image data (S6). Then, the standard format image data is attached to the electronic mail (S7), the electronic mail is transmitted to the designated destination (S8), a new transmission record information is added to the transmission record table 28a (S9), and lastly, the original image data being held is deleted (S10). ...

Thus, Tanimoto proposes that when no information of the receiving ability of the destination is stored or registered, the transmitting terminal (1) can proceed under standardized mode or settings or (2) can prompt the operator to specify the communication mode.

Tanimoto does not disclose or suggest, however, that if the response from the destination includes no reception capacity information but it is determined that the transmission has been satisfactorily carried out to the destination in the current transmission mode, the controller controls or causes the destination information memory to store or maintain the current transmission mode or reception capacity (for use in a future transmission to the destination). Tanimoto presumes that the destination can always return reception capacity information and does not take into account the case where the destination does not have a function to, or simply does not, return the reception capacity information.

Applicant submits that the cited art, even when considered along with common sense and

Takanori FUJII, S.N. 10/829,619
Page 18

Dkt. 2271/72198

common knowledge to one skilled in the art, does *NOT* render obvious the aspect of the present application of *controlling or causing the destination information memory to store the transmission mode information indicating the transmission mode used for the facsimile transmission to the selected transmission destination as a transmission enabling mode of the selected transmission destination*, if the delivery confirmation mail or other mail received from the selected transmission destination does not include the reception capacity information but confirms that the facsimile transmission to the selected transmission destination has been properly completed.

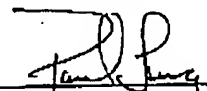
Accordingly, applicant respectfully submits that independent claims 1, 4 and 7, and the claims depending therefrom, are patentable over the cited art.

In view of the amendments to the claims and remarks hereinabove, Applicant submits that the application is now in condition for allowance. Accordingly, Applicant earnestly solicits the allowance of the application.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition. The Patent Office is hereby authorized to charge any fees that are required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,



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